

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STACEY HIGHTOWER
Plaintiff,

v.

CITY OF BOSTON, BOSTON POLICE
COMMISSIONER EDWARD DAVIS, and the
COMMONWEALTH OF MASSACHUSETTS,
Defendants.

No. 08-CV-11955-DJC

AFFIDAVIT OF JASON A. GUIDA, ESQ

I, Jason A. Guida, Esq., make the following declarations under oath:

1. I am the Director of the Firearms Records Bureau (“FRB”) unit of the Department of Criminal Justice Information Services (“DCJIS”) of the Commonwealth of Massachusetts. The statements in this affidavit are based on my personal knowledge or, where indicated, upon information contained in official records maintained by DCJIS. The statements in this affidavit are true and accurate to the best of my knowledge and belief.

2. DCJIS is an administrative agency within the Executive Office of Public Safety and the FRB is the state repository for firearm license, permit and gun transaction records.

3. My duties and responsibilities include overseeing the staff of the FRB, and acting as Keeper of the Records for issued licenses to carry (“LTC”), firearm identification (“FID”) cards, and reported gun transactions.

4. Pursuant to Mass. Gen. L. c. 140, §129B or §131, upon the issuance of a FID card or LTC, respectively, the licensing authority is required to forward a copy to the FRB. Alternatively, if the licensing authority uses the on-line Massachusetts Instant Record Check System (“MIRCS”) to process the application, FRB does not receive paper copies, but relies upon the computer record.

5. The records maintained by the FRB are kept in the ordinary course of business and may be accessed and searched for law enforcement investigations. The records may also be searched for statistical purposes.

6. In March and April of 2011, I caused a search to be conducted of all firearms license records maintained by the FRB to determine the total number of Class A and Class B LTCs issued and denied by licensing authorities in the Commonwealth in calendar years 2008, 2009, and 2010.

7. As a result of this search, I have determined the following:

a) In 2008, 39,282 LTCs were issued in the Commonwealth and 750 LTC applications (or 1.9 percent of the total) were denied. Of the 750 LTC applications that were denied, 352 LTC applications were denied due to a determination by the licensing authority that the applicant was not a suitable person, and the other were denied because the applicant was categorically disqualified by statute.

b) In 2009, 20,697 LTCs were issued in the Commonwealth and 584 LTC applications (or 2.7 percent of the total) were denied. Of the 584 LTC applications that were denied, 266 LTC applications were denied due to a determination by the licensing authority that the applicant was not a suitable person, and the other were denied because the applicant was categorically disqualified by statute.

c) In 2010, 30,886 LTCs were issued in the Commonwealth and 566 LTC applications (or 1.8 percent of the total) were denied. Of the 566 LTC applications that were denied, 313 LTC applications were denied due to a determination by the licensing authority that the applicant was not a suitable person, and the other were denied because the applicant was categorically disqualified by statute.

d) Thus, over the three-year period from January 1, 2008, to December 31, 2010, a total of 90,865 Class A and Class B LTC applications were approved and LTCs were issued in the Commonwealth, and 1900 LTC applications (or 2.0 percent of the total) were denied.

Signed under the pains and penalties of perjury this 14th day of April in the year 2011.

/s/ Jason A. Guida.
Jason A. Guida, Esq.

Certificate of Service

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent to those indicated on the NEF as non registered participants on or before April 21, 2011.

/s/ Kenneth W. Salinger .